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ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
vs.
IAN P. MacCONNACHIE,
Defendant.

CV 09-2-BU-RFC
COMPLAINT

COMES NOW, plaintiff, United States of America, and complains and alleges as follows:

1. That this action is brought by the United States of America, with jurisdiction provided by 28 U.S.C. § 1345.

2. That the defendant, Ian P. MacConnachie, is a resident of the District of Montana.

3. That on November 25, 1986, November 18, 1987, November 1, 1988, October 26, 1989, November 26, 1990, January 30, 1991, April 22, 1991 and May 6, 1991, the defendant executed promissory notes as evidence of loans in the amount of \$2,386.00, \$1,410.00, \$2,500.00, \$2,700.00, \$2,500.00, \$1,500.00, \$1,000.00 and \$483.00 respectively.

The loans were authorized under Title IV-B of the Higher Education Act of 1965, as amended, 20 U.S.C § 1071 et. seq. (34 C.F.R. Part 682). A copy of the promissory notes is attached as Exhibit A. The holder demanded payment according to the terms of the note and on November 2, 1993 the defendant defaulted on the obligation. The loan has been assigned to plaintiff by the holder.

4. That the defendant is indebted to the plaintiff in the principal amount of \$17,470.44, plus accruing interest on the principal computed at the rate of 8.0 percent per annum in the amount of \$19,595.89 as of December 15, 2008, and interest thereafter on the principal at the rate of

8.0 percent per annum, or \$3.83 per day from December 15, 2008 until the date of judgment. Attached as Exhibit B is a Certificate of Indebtedness.

5. Demand has been made upon the defendant by the plaintiff for the sum due but the amount due remains unpaid.

Wherefore, the plaintiff prays judgment against the defendant for the following:

- a) For the principal amount of \$17,470.44, plus interest on the principal computed at the rate of 8.0 percent per annum in the amount of \$19,595.89 as of December 15, 2008, for a total amount owed for principal and interest of \$37,066.33 as of December 15, 2008, plus interest accruing after December 15, 2008 at a rate of \$3.83 per day until the date of judgment.
- b) For post-judgment interest pursuant to 28 U.S.C. § 1961.
- c) For a \$350.00 filing fee pursuant to 28 U.S.C. § 2412(a)(2).

Dated this 5th day of January, 2009.

WILLIAM W. MERCER
United States Attorney

/s/ Victoria L. Francis
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Assistant U. S. Attorney
Attorney for Plaintiff